

COUNCIL CHAMBERS -- CITY COUNCIL
CITY HALL -- CITY OF LODI

Wednesday, November 15, 1939.

This regular meeting of the City Council was called to order by the Mayor at 8:00 o'clock P.M., of Wednesday, November 15, 1939. Councilmen Clark, Graffigna, Weihe and Steele present, Councilman Spooner absent.

The minutes of the last meeting held November 1, 1939 were read, approved as read and so endorsed by the Mayor.

Representatives of the Lodi Business Men's Association applied for an allowance of \$100.00 to be used in decorating the downtown streets during the coming holiday season. At the order of the Mayor this matter was laid over to be considered later on in the meeting.

A letter was received from George Gardner expressing appreciation for the services of the Lodi Fire Department in donating blood for a transfusion at a local hospital.

The Clerk filed a report of the Board of Fire Underwriters of the Pacific covering their test run on the new Seagrave Fire Truck.

Ordinance No. 259 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 9 OF THE CITY OF LODI BY MAKING IT A MISDEMEANOR TO POSSESS FIRE ARMS IN LODI MUNICIPAL LAKE PARK" was introduced on motion of Councilman Clark, seconded by Councilman Graffigna, read by the Clerk and ordered laid over for the statutory period of not less than five days.

In the matter of the application of the Pacific Gas And Electric Company for an indeterminate franchise to distribute gas in the City of Lodi, the clerk reported that the Pacific Gas And Electric Company desired to disregard former proceedings instituted in 1938 and had filed a new application for such a franchise. After reading the application, Resolution No. 1010 entitled "Resolution of Intention to Grant Gas Franchise" was introduced on motion of Councilman Graffigna, seconded by Councilman Weihe and passed and adopted by the following vote:

AYES: Councilmen, Graffigna, Weihe, Clark
and Steele
NOES: Councilmen, None
ABSENT: Councilman, Spooner

RESOLUTION NO. 1010

RESOLUTION OF INTENTION TO GRANT GAS FRANCHISE

WHEREAS Pacific Gas and Electric Company, a California Utility corporation, has filed with the Council of the City of Lodi an application requesting that a franchise be granted to it of the character and for the purposes mentioned in the form of notice hereinafter set forth; and

WHEREAS in the opinion of said Council the public good requires that said franchise be granted;

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NOW, THEREFORE, BE IT RESOLVED that said Council intends to grant said franchise, that hearing of objections to the granting thereof will be held at the time and place specified in the form of notice hereinafter set forth which the Clerk of said City is hereby directed to publish at least once within fifteen days after the passage of this resolution in THE LODI TIMES, a newspaper of general circulation within said City, and that said notice shall be in the following words and figures:

"NOTICE OF INTENTION TO GRANT FRANCHISE

NOTICE IS HEREBY GIVEN that Pacific Gas and Electric Company, a California utility corporation, has filed its application with the Council of the City of Lodi requesting said Council to grant it a franchise for an indeterminate period, as provided in the Franchise Act of 1937, (a) to use, for transmitting and distributing gas within said City for any and all purposes other than those authorized under Section 19 of Article XI of the Constitution of the State of California, as said section existed prior to its amendment on October 10, 1911, all gas pipes and appurtenances which now are or may hereafter be lawfully placed in the public streets, ways and places within said city, and (b) to lay and use in said public streets, ways and places all pipes and appurtenances necessary or proper for said purposes.

If said franchise shall be granted to it, said Pacific Gas and Electric Company, its successors and assigns, hereinafter designated grantee, shall during the life thereof pay to said city two per cent of the gross annual receipts of said grantee arising from the use, operation or possession of said franchise; provided, however, that such payment shall in no event be less than a sum which shall be equivalent to one per cent of the gross annual receipts derived by grantee from the sale of gas within the limits of said city under both the franchise to be granted and the franchise now owned by said grantee by virtue of Section 19 of Article XI of the Constitution of the State of California as said section existed prior to its amendment on October 10, 1911. Said percentage will be paid annually from the date of the granting of the franchise applied for and in the event such payment shall not be made said franchise shall be forfeited. Said City Council proposes to grant said franchise for an indeterminate period.

NOTICE IS HEREBY FURTHER GIVEN that any and all persons having any objections to the granting of said franchise may appear before said Council at the City Hall of said city at the hour of 8 p.m. on WEDNESDAY, the 6th day of DECEMBER, 1939, and be heard thereon; and

NOTICE IS HEREBY FURTHER GIVEN that at any time not later than the hour so set for hearing objections any person interested may make written protest stating objections against the granting of said franchise which protest must be signed by the protestant and delivered to the City Clerk of said City, and the Council shall at the time set for hearing said objections proceed to hear and pass upon all protests so made; and

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NOTICE IS HEREBY FURTHER GIVEN that the grantee of said franchise must within five days after the date of granting same file with the Council of said City a bond in the penal sum of one thousand dollars (\$1000.00) running to said City with at least two good and sufficient sureties thereto to be approved by said Council conditioned that such grantee shall well and truly observe, fulfill and perform each and every term and condition of said franchise and that in case of any breach of condition of said bond occurring the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and sureties upon said bond.

For further particulars reference is hereby made to said application filed as aforesaid in the office of said Council, and also to the resolution adopted on the 15th day of November, 1939 declaring its intention to grant said franchise, numbered Resolution 1010.

Dated: November 15, 1939

By order of the Council of the City of Lodi

J. F. BLAKELY

City Clerk of the City of Lodi.

Mr. H. E. Looser filed a petition signed by Henry Zilke and Olga Zilke, his wife praying for the abandonment of an alley in Zilke Subdivision. The petition was ordered received and referred to the City Planning Commission on motion of Councilman Graffigna, seconded by Councilman Weihe.

Messrs. Kenneth Lobaugh, W. H. Crosswhite, Lynn Boynton and C. S. Jackson appeared at this time before the Council as representatives of the Lodi Civitan Club and asked that the City appoint a recreation committee for the object of securing Works Progress Administration assistance for the erection of a Boys' Club building. The Mayor appointed Councilman Clark and Chief of Police C. S. Jackson as a committee to keep in contact with the Civitan Club in furtherance of this project.

In the matter of the application of the Lodi Business Men's Association for the sum of \$100.00 for street decorations, it was decided on motion of Councilman Graffigna seconded by Councilman Weihe and carried that the city contribute the sum of \$75.00 for this purpose.

In the matter of the opening of Crescent Avenue and West Elm Street, the Clerk presented a deed from Edward Hutchins and Ada Hutchins, his wife to the land required for this purpose and on motion of Councilman Clark, seconded by Councilman Weihe, Resolution No. 1009 was introduced, passed and adopted accepting this deed.

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A letter was received from the San Joaquin Flood Control Association asking for financial support in the amount of \$250.00. The letter was ordered received and filed.

Building permit application No. 2556 for a house to be erected at 120 South Crescent Avenue on appeal from the City Building Inspector was not granted as it did not comply with the provisions of the zoning ordinance.

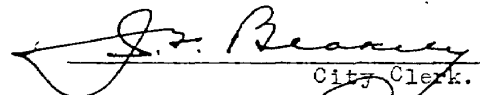
On motion of Councilman Graffigna, seconded by Councilmen Weihe, the Mayor was authorized to execute a purchase agreement with the Westinghouse Electric and Manufacturing Company for the purchase of lamps for the ensuing calendar year and also an agreement with the Great Western Division of the Dow Chemical Company for the purchase of liquid chlorine for the same period.

License applications as filed with the City Clerk were approved with the exception of No. 107 which asked permission to maintain a junk yard on North Sacramento Street ~~which~~ was ordered to be held in suspense until the next meeting of the Council.

A petition was received from L. T. Mason and others asking for the annexation of new inhabited territory North and West of the present city limits. The petition was ordered received and referred to the City Clerk for checking the sufficiency thereof.

No further business appearing, the Council adjourned at 11:02 o'clock P.M. on motion of Councilman Weihe.

ATTEST:


City Clerk.

The foregoing minutes of a regular meeting of the City Council of the City of Lodi held November 15, 1939 were read in full at a subsequent meeting of said City Council held December 6, 1939 and approved without correction or alteration.


Mayor of the City of Lodi.